



2003 Annual Report



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2003 ANNUAL REPORT of the CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

Introduction

This is the third annual report of the City of Riverside Community Police Review Commission (CPRC). This report marks a transition period in the maturity of the Commission from a time where there were many firsts to a time where advances are measured in smaller increments. One of the examples of incremental change is the change in the format of this report.

In the two prior reports, we tried to give a statistical base from which future progress could be measured. In this report, we have attempted to give the report a structure so that these statistics have meaning. We have done this by using a question and answer format that we hope will be familiar to everyone.

Each section begins with a question. Then, using an updated version of many of the charts and statistics from past years along with a narrative, we have tried to answer each question as fully as possible while providing documented support for those answers.

We hope you will enjoy reading this report. If there are any questions, please call the Commission staff at (909) 826-5509 or email us at dwilliams@riversideca.gov. Also, many answers are available on our website at www.riversideca.gov/cprc.

Chairman's Message

by Mike Gardner

2003 was a significant year for the Community Police Review Commission. For the first time since the inception of the Commission, we saw a significant drop in the number of citizen complaints filed against officers. I believe this is due to additional training and a heightened awareness among officers of how their actions are perceived by citizens they come into contact with and I credit at least part of that to the focus the Commission has brought to the issue.

During the last year, officers began routinely using their digital audio recorders when they initiate contact with citizens and the new video recording system is being rolled out in the patrol fleet. The tapes from these devices have enabled the Commission to make definitive findings on several complaints, which previously would have been "not sustained" for lack of evidence.

The Commission itself continues to develop and mature. Bill Hendrick and Bill Floyd elected not to serve out their second terms as commissioners and were replaced by Brian Percy and Bill O'Meara. Bill Howe, one of the original nine appointees to the Commission and its first Chair, will leave us at the end of February 2004. Sheri Corral will replace Mr. Howe. Ms. Corral is a member of the Riverside Community College Police Department and will be the first full-time working officer to sit on the Commission.

In 2003, the Commission began an analysis of how it works, how it is perceived, how it can improve, and where it is going. We established an Outreach Committee to focus and direct our public education and outreach efforts. We also put into motion a series of public workshops to be held in the first part of 2004. The workshops will involve City officials, community leaders, Police Department management, and the Police Officers' Association in discussions of ways to make the Commission more effective and efficient. Particular attention will be given to exploring ways to increase and improve communication between the Commission and the Police Department without infringing on the privacy rights of officers.

I thank my fellow commissioners for entrusting the Chair to me. It has been an interesting and challenging year for us and I believe we have made progress in establishing the Commission as a useful tool in the eyes of the public, the Department, and the leadership of the city. I end my term with pride in our accomplishments and confidence in our future.



Mike Gardner, Chair
Community Police Review Commission

ABOUT THE COMMISSION

What is the Community Police Review Commission?

The Community Police Review Commission is one of 14 commissions and boards that have been set up by the City Council to provide citizen input into the decision-making process of various city departments.

The Community Police Review Commission was created with the passage of Ordinance No. 6516 in April 2000, which amended Title 2 of the Riverside Municipal Code by adding Chapter 2.76.

What Is The Mission Of The Community Police Review Commission?

The mission of the Community Police Review Commission is to promote public confidence in the professionalism and accountability of the sworn staff of the Riverside Police Department (RPD). This is done by independently reviewing citizen complaint investigations, recommending changes in departmental policy, on-going public outreach and, when deemed appropriate by the Commission or Executive Director, conducting an independent investigation of citizen complaints.

What Is The Purpose Of The Community Police Review Commission?

By ordinance, the purpose of the Community Police Review Commission is defined as;

“The general purpose of this Ordinance is to promote effective, efficient, trustworthy and just law enforcement in the City of Riverside, and to bring to the attention of the City its findings and recommendations in regard to law enforcement policies and practices. Further, it is the purpose of this Ordinance to ensure good relations between those who enforce the laws and the diverse populace whom they serve so that the public will take pride in local law enforcement and those who enforce the laws will take pride in their service to the public.”

Plainly stated, the Commission gives city management a citizen's point of view with regard to Police Department policies, procedures, and allegations of misconduct.

The Commission also serves the community by providing a forum whereby citizens can express their opinions regarding the Police Department, its operation, and personnel.

Who is on the Community Police Review Commission?

The Community Police Review Commission is composed of nine residents of the City of Riverside who are selected by the City Council. As with other boards and commissions, these are unpaid positions. The term in office for each commissioner is four years and a commissioner can serve two consecutive four-year terms.

The Executive Director of the Community Police Review Commission and Senior Office Specialist are paid city employees. The Executive Director reports to the City Manager.

The commissioners who served in 2003 are:

Jack Brewer is a 34-year resident of Riverside and retired after 32 years with the California Alcoholic Beverage Commission (ABC). He is a past President of the Riverside County Law Enforcement Administrators' Association, past-President of the California State Investigators' Association, and has served as an officer with a number of other law enforcement associations and is a life member of the California Peace Officers' Association. He was elected as the Community Police Review Commission's first vice-chairman and its second chairman. Prior to ABC, he served on several police departments and has been involved in law enforcement since 1955. **Term expires in March 2008.**

Les Davidson is a 31-year resident of Riverside and a resident of the Inland Empire for over 32 years. After working as a police officer in the City of Redlands, he became a licensed private investigator in 1971 and worked directly with the legal community in private investigations. Recognizing the need for expertise in corporate security, he went on to found USAFACT, Inc. His company employs over 60 people, making it one of the largest background screening and drug testing companies in the country. He also owns Security One Alarm & Video Service. Les is a Certified Fraud Examiner and works as a private industry security consultant with numerous Fortune 500 companies. Les is on the board of Ronald McDonald House and he is also the founder of the California Autofest Car Show, which is held at the California Speedway. He is the Inland Empire's single largest donor to the Make-A-Wish Foundation. **Term expires in March 2006.**

Bob Garcia is a 44-year resident of Riverside. He was a member of the Human Relations Commission and its Law Enforcement Policy Advisory Committee. He is a member of the Casa Blanca Community Action Group and the Casa Blanca Youth Accountability Board. He also is a member of the Park Advisory Committee, the Fiesta Committee at Villegas Park, the Villegas Park Dedication Committee, and the Casa Blanca Safety & Beautification Committee. **Term expires in March 2007.**

Mike Gardner is a 33-year resident of Riverside. He retired from Southern California Edison with 23 years of service and has kept busy since his retirement by volunteering his time for a number of worthy causes and associations. Included in those volunteer activities are the Riverside City Fire Department's Disaster Preparedness Committee, Riverside Area Fire Buffs Association, and Riverside Live Steamers. In 2000, Mike was named Municipal Volunteer of the Year. **Term expires in March 2006.**

Brian Pearcy is a 24-year resident of Riverside and is a graduate of UC Riverside. He is a business and trial attorney with an office in downtown Riverside. He has 17 years of law enforcement experience as a Police Officer with the Los Angeles Police Department and currently is a member of Operations South Bureau's Special Enforcement Unit. He is active in the Greater Riverside Chambers of Commerce and currently is the President of the Downtown Division. He is also the immediate Past President of the Riverside County Bar Association (RCBA) and is a member of the steering committee for Project Bridge for the City of Riverside. He is a member of Leo A. Deegan Inn of Court and founding member of the Southern California Chapter of the Badge and Gavel Society. He also serves as an arbitrator for the RCBA Fee Arbitration program and as a Mediator for the Fourth District Court of Appeals Voluntary Appellate Settlement Program. **Term expires in March 2007.**

Bill Howe is a 42-year resident of Riverside. He retired as the Chief of Police for the University of California, Riverside. Prior to that, he was a Lieutenant with the Corona Police Department and a Deputy, then Sergeant, with the Riverside Sheriff's Department. In all, he has 25 years of law enforcement experience. Additionally, he is a retired Lieutenant Colonel in the United States Air Force. He is a Past President of the Corona Host Lions Club, Past Vice-Chairman of the Inland Counties Chapter March of Dimes, Past President of the Riverside Jaycee's Toastmasters Club 130, and Past President of the Riverside County Law Enforcement Administrators' Association. Bill was elected as the Community Police Review Commission's first chairman. He is currently a member of Cops & Clergy, Community Network, and Community Alliance Network (gang violence). **Term expires in March 2004.**

Gloria Huerta is a 28-year resident of Riverside. She is currently employed as a Nurse Practitioner for Raincross Medical Group in Riverside and also works for California Emergency Physicians as an Emergency Department Nurse Practitioner at Riverside Community Hospital. She remains as an Adjunct Instructor for Riverside Community College in the Public Safety Program with a focus on Emergency Medical Services (EMS). She worked in EMS management for the County of Riverside for 19 years, including nine years with the County Fire Department and 10 years with the County Public Health Department where she was instrumental in establishing the paramedic and trauma systems for Riverside County. She is a member of the American Academy of Nurse Practitioners, Sigma Theta Tau, and the California Association of Nurse Practitioners. **Term expires in March 2008.**

Bill O'Meara is an 18-year resident of Riverside. He served in the Marines in the '60's and is retired from the Orange County Sheriff Department. He is a certified Alcohol and Drug counselor and worked as such in two state prisons, California Rehabilitation Center and Chino. He works part time as an anger management and drug counselor at several group homes for high-risk minors. He is a member of the Riverside Youth Accountability Board. He also facilitates a recovery program and marriage program through his church. He is a past member of "TIP" (Trauma Intervention Program) and Project Michael. **Term expires in March 2007.**

Jim Ward is a 44-year resident of Riverside. He worked for the State of California Department of Corrections for 22 years. While employed with the Department of Corrections, Jim promoted to several positions including correctional officer, counselor, lieutenant, and captain. His duties and responsibilities were diverse and included personnel training officer, program administration and review of personnel training programs, staff supervision and training, conflict mediation and resolution, and designing, implementing, and assessment of departmental policies and procedures. To maintain a base of knowledge and practice, Jim attended Riverside Community College and Loma Linda University, successfully completing over 130 units in correctional science, social science and behavioral sciences with an emphasis on deviant behavior. Since retiring in 1985, Jim has devoted his time to his family and church, community service, and personal property investment and management. **Term expires in March 2006.**

The alternates for 2003 are:

Sheri Corral is 23-year resident of Riverside. She is married to Frank Corral and together they have 12 children; Frank has four and Sheri adopted seven children and has one biological daughter. Together they have 10 grandchildren. She is a Police Officer at Riverside Community College. She is currently on patrol both in a unit and on bike. She is actively teaching RAD (rape aggression defense tactics) to women and children. She is also a SART (Sexual Assault Response Team) investigator. Sheri graduated from the San Bernardino Police Academy in 1996 and has worked at the college her entire police career. Prior to becoming a police officer, Sheri operated a licensed foster/shelter home for the Riverside County Department of Social Services for seven years. She was a graduate of the first class in 1995 of "The Volunteer for Diversity." She was awarded Latina Officer Of the Year in 1999 and Latina Woman of the Year in 2003. Sheri worked for Loma Linda Medical Center for six years in the Anesthesia Department. She was also chairperson for the Riverside Unified Parent Steering Review Committee for three years and the Parent School Site Council chairperson at Mountain View Elementary school for three years.

Bonavita Quinto-MacCallum is a 3-year resident of Riverside and is married to Tracy MacCallum. In May of 2000, Bonavita graduated with a Ph.D. in Educational Administration from New Mexico State University. Dr. Quinto has over 15 years combined teaching experience in public schools, community colleges, and universities in the U.S and Mexico. She is currently the Dean of Student Services for the Riverside Campus at Riverside Community College and collaborates with other district and campus deans to provide leadership and direct supervision for various campus departments in addition to student discipline and community outreach. Dr. Quinto is the President for the Greater Riverside Hispanic Chamber of Commerce. She was awarded a doctoral fellowship by the W. K. Kellogg Foundation in 1997 and was accepted into the Hispanic Border Leadership Institute Doctoral Fellowship Program at New Mexico State University in Las Cruces, New Mexico. She is also a graduate of Leadership Riverside 2003.

THE COMMISSION'S RESPONSIBILITY

Is The Community Police Review Commission Truly Independent?

The Community Police Review Commission has two component parts. The first component is the Executive Director and his staff. They are a part of the City Manager's Department and the Executive Director reports directly to the City Manager.

The second component is the Commission, which is made up of nine citizens of the City of Riverside who are appointed to four-year terms as commissioners by the City Council. The terms are staggered so that, except for one year, three commissioner terms expire each year.

The Commission is independent in that it makes its findings and issues policy recommendations independent of any outside influence. Other duties and responsibilities are guided by the Riverside Municipal Code, Chapter 2.76, California Government Code 3300, and applicable Penal Code sections and case law.

Who Is The Commission Supposed To Represent – The City Or The Community?

The Commission is a neutral body designed to be a bridge between the community and the Police Department. It was designed give the public confidence that any accusations of misconduct lodged against an officer will be fairly and thoroughly investigated.

The Commission is not an adversarial body nor is it an advocate for civilians beyond that mentioned above.

In addition to being a neutral hearing body, the Commission offers a public forum for civilians who want to express their opinion on any police-related issue.

When the Commission receives an investigative report, the Executive Director reviews it for completeness and writes an executive summary for the commissioners. The Commission then reviews each allegation in each case and makes a recommended finding. During this review process, the Commission also critiques the quality of the investigation and investigative process. This review and comment by the commissioners gives City and Police Department management the advantage of having a perspective that is not found in most communities.

If the results of the Commission's review make the Police Department look good, they have earned it. If the review points out areas where the Department falls short of expectations, that too is fully supported.

In short, the Commission offers an unbiased assessment of the Police Department that is available to the citizens of Riverside, the policy makers, and city and department managers.

Besides Reviewing Cases And Issuing Policy Recommendations, What Other Duties Does The Commission Have?

Outreach:

The Commission's outreach initiative consists of commissioners going into the community and telling the Commission's story and informing the public of the independent complaint process. In 2003, the Executive Director and commissioners attended a total of 52 meetings, including Chambers of Commerce, Cops and Clergy, and Mayor's Night Out.

Also, the Commission's website (www.riversideca.gov/cprc) offers valuable information along with letters and pamphlets and a monthly report that are distributed on a regular basis.

Police / Community Relations:

Advising the Mayor and City Council on Police / Community Relations is one of the Commission's major functions. There are three primary ways that the Commission learns about issues that effect the state of Police / Community Relations in Riverside.

First, as mentioned previously, the Commission offers a public forum where citizens can voice support for or concerns about the Police Department. Time is allotted at the beginning of every public meeting for this purpose.

Second, many times during the Commission outreach effort, people will voice their opinion with regard to a particular police-related issue.

Third, most commissioners are involved in their neighborhoods or other groups outside of the Commission. It is through this community involvement that much is learned about the relations between the Police Department and the community that they serve.

What Is Unique About The Commission's Perspective?

Because of the commissioners' special status, they are able to review personnel investigations that are, by law, confidential in nature and unavailable to the general public. Based on their backgrounds and the fact that none have served in the Riverside Police Department, the commissioners are able to give the City the community's view of the way policies and procedures are being implemented in the field as opposed to just looking at them in the abstract.

How Does The Commission Accomplish Its Purpose?

The City of Riverside Community Police Review Commission was modeled after the City of Long Beach Citizen Police Complaint Commission that has been in existence for more than ten years.

The Community Police Review Commission was designed primarily as a "monitoring" model that also has the ability to conduct independent investigations. Plainly stated, after a complaint is received, either through the Commission offices or the Riverside Police Department, it is investigated through the Police Department (either by a sergeant working in Internal Affairs or by a field sergeant). Depending on the case, the Commission may choose to conduct a parallel investigation to that of the Police Department.

After the complaint has been investigated and the Police Department has made its recommendations with regard to each allegation, the case is sent to the Commission. Each commissioner then reviews the case investigation and, as a group, the Commission makes its recommendations with regard to each allegation.

An important aspect of the process is that the commissioners are unaware of the Police Department recommendations. The idea is for each body to look at the evidence contained in the investigative package independently and come to their own conclusion in the form of recommendations.

Following the Commission's decision, both recommendations are given to the City Manager who makes the final decision on each allegation. If the final decision is to "Sustain" an allegation against an officer, the case goes to the Police Chief for discipline.

The Police Chief has the sole responsibility for discipline.

Other than issuing a "Sustained" recommendation, the Commission has no role in the disciplinary process.

As part of their review process, the commissioners look at the policies and procedures that govern the officers' actions in the cases in question. Sometimes this review leads to a policy recommendation to the Police Department.

The Commission has made 16 policy recommendations since its inception. Nine were adopted, at least in part, by the Police Department and two are still pending.

The final way the Commission performs its purpose is to offer a public forum for community members to comment on police actions and policies. In times of community crisis, this may become the most important of all of the Commission's functions.

THE REVIEW PROCESS

How Does The Complaint System Work?

The complaint process is activated when someone files a complaint against a member of the Riverside Police Department. While the Internal Affairs Unit or their designee investigates all complaints, the Community Police Review Commission will review only those complaints that are;

- filed against sworn personnel, and
- filed within six months of the incident that gave rise to the complaint.

Typically, all a person has to do to file a complaint is to contact the Riverside Police Department or the Commission by phone or in person. Either way, the complaint is logged in at both the Internal Affairs Unit and the Commission and the tracking process begins.

The Internal Affairs Unit categorizes the complaint as Class I (usually the most serious complaints) or Class II (generally discourtesy and improper procedure complaints), then assigns it to an investigator. The sergeants in the Internal Affairs Unit handle most Class I complaints and a few Class II.

The vast majority of complaints investigated by the Department are Class II and are investigated by supervisors in the Field Operations or Investigations Divisions.

After the investigation is complete, the investigator's lieutenant reviews the investigation and writes a memo of finding. The memo of finding frames the allegations and offers a recommended finding plus a rationale for that recommendation.

The division captain and deputy chief then review the report and memo of finding. It is then sent to the Internal Affairs (IA) Unit where the IA lieutenant conducts a final review before sending it to the Commission. At no time do the commissioners see the memo of finding or otherwise know the Police Department's recommendation.

Following the Commission's review, both the Police Department's recommendation and the Commission's recommendation are sent to the City Manager for final determination. If the Commission makes a policy recommendation, that too is forwarded to the City Manager for forwarding to the Police Chief.

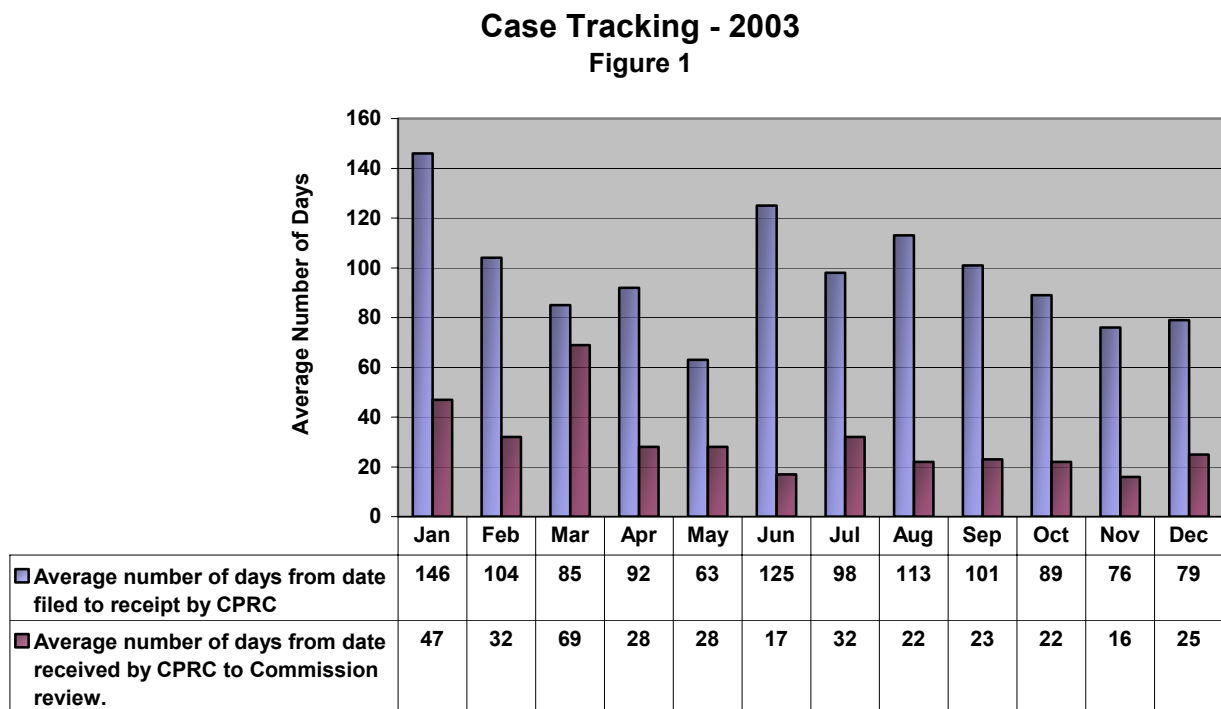
How Does The Commission Affect The Personnel Investigation Process?

TRACKING:

The Commission uses three relevant dates to track complaints:

- 1) The date a complaint is entered into the CPRC tracking system. The Department's investigative process is monitored during this time period,
- 2) The date the Commission receives the completed investigation from RPD, and
- 3) The date the Commission reviews the case. This ensures a timely response to a community member's complaint, which is beneficial to both the community member and officer.

Figure 1 shows the average time cases spent in each process on a per month basis in 2003.



Case review was deferred in November and December 2002 while concerns raised by the RPOA (Riverside Police Officers' Association) were evaluated. As a result, both the RPD and CPRC held cases longer than they would have otherwise, thus skewing the averages in January, February and March.

COMPLAINT PROCESSING ANALYSIS

One of the myths surrounding the Commission is the belief that its insertion into the complaint investigation process has lengthened the time a case spends in that process.

In November 2000, a Riverside police officer and a concerned citizen independently brought to the Commission's attention concerns about the length of time it took to complete Internal Affairs investigations. When the Commission became operational in January 2001, a case tracking mechanism was instituted for the first time. That mechanism produced a monthly report, starting in March 2001, called the "30/60/90 Day List." This report was forwarded to the Police Chief for his information.

Based on this report, the Chief amended Riverside Police Department Policy and Procedure 4.12 D 5 & 6 by reducing the investigative time for Category I cases to 60 days, plus five days for administrative processing and for Category II cases, 30 days, plus five days for processing.

The first table shows the number of cases processed through RPD in the last three years. It breaks the cases down to those processed in 35 days and 65 days plus five days routing time to the Commission. The second table shows the length of time the cases spend with the Commission before being reviewed.

These figures do not include death investigations. Of the 101 cases for 2003, 26% involved Category I allegations. The total number of cases shown in these charts might differ from case totals recorded elsewhere in this report because some cases that were filed in 2002 were not completed until 2003. The same is true for some of the cases filed in 2001.

2001 – 2003 Comparison:
Length of time spent in the RPD Process

	0 – 40 Days	41 – 70 Days	71 + Days
2001	7	35	71
2002	6	34	72
2003*	9	20	72

2001 – 2003 Comparison:
Length of time spent in the CPRC Process

	0 – 30 Days	31 – 45 Days	46 + Days
2001	56	28	7
2002	73	31	7
2003*	69	15	13

* The 2003 figures in both tables were effected by cases that were deferred in November and December 2002 while concerns raised by the RPOA (Riverside Police Officers' Association) were evaluated.

CASE ACTIVITY

There were 97 cases filed in 2003. Of those 97 cases, 31 remain open at year's end.

CASE DISPOSITIONS:

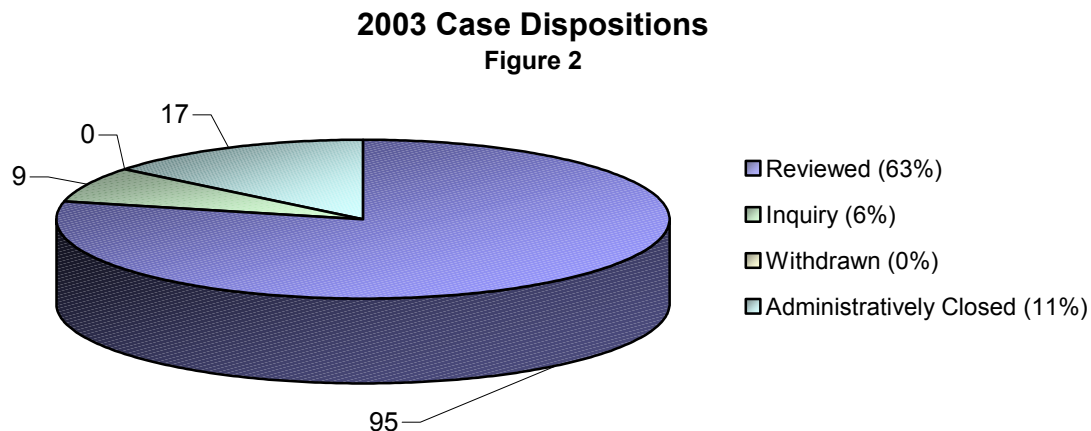
The following charts and graphs depict the activity relative to the Commission's activities in 2003. A case is considered "lodged" when a person notifies the Commission that they wish to file a complaint. The case is not considered "filed" until the completed complaint form is received in the Commission office.

Figure 2 shows the cases that were disposed of by the Commission in 2003 and the manner in which they were disposed.

"Inquiries" refers to cases that were ultimately determined to be questions of policy rather than accusations of misconduct against an officer. "Administratively Closed" refers to cases that were lodged, but never filed.

Figure 3 shows case disposition comparisons with previous years.

The activity in the charts and tables includes cases that were lodged or filed in the previous year, but not disposed of until the next year.



Case Disposition Comparison: 2001 – 2003

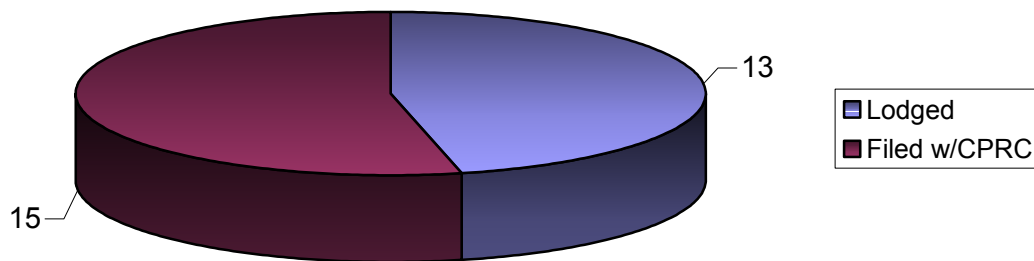
Figure 3

	2001	2002	2003
Reviewed	91	110	95
Inquiry	3	2	9
Withdrawn	4	1	0
Administratively Closed	20	15	17
	118	128	121

There were 28 cases lodged with the Commission in 2003. Of those 28 cases, 15 were actually filed as complaints. In the other 13 cases, the complainants failed to return the completed forms.

Cases Lodged vs. Cases Lodged and Filed - 2003

Figure 4



Comparison of Cases Lodged vs. Cases Lodged and Filed with CPRC

Figure 5

	Lodged	Filed w/CPRC
2001	20	13
2002	14	11
2003	13	15

The table in Figure 6 compares the cases by neighborhoods from 2001 to 2003.

Caseload Comparisons by Neighborhood
Figure 6

	Neighborhoods	2001	2002	2003	Totals
1	La Sierra Acres	5	1	1	7
2	La Sierra Hills	1	0	0	1
3	La Sierra	23	6	13	42
4	La Sierra South	3	3	1	7
5	Arlanza	3	4	4	11
6	Arlington	6	9	1	16
7	Arlington South	4	0	1	5
8	Airport	2	3	4	9
9	Ramona	9	6	4	19
10	Presidential Park	4	2	2	8
11	Arlington Heights	4	1	1	6
12	Grand	4	0	1	5
13	Magnolia Center	11	7	8	26
14	Casa Blanca	3	2	5	10
15	Downtown	21	28	12	61
16	Wood Streets	2	1	0	3
17	Victoria	6	2	4	12
18	Hawarden Hills	0	1	0	1
19	Alessandro Heights	0	0	0	0
20	Northside	2	2	1	5
21	Eastside	15	8	7	30
22	Canyon Crest	6	5	0	11
23	Hunter Industrial Park	4	4	0	8
24	University	12	12	6	30
25	Mission Grove	5	3	3	11
26	Orangecrest	4	3	3	10
27	Sycamore Canyon / Canyon Spgs	1	1	2	4
28	Outside City	3	3	2	8
29	Unknown	11	13	11	35
		174	130	97	

ALLEGATIONS AND FINDINGS

How Often Do The Riverside Police Department And The Commission Agree On Findings?

There was no substantive disagreement between the Police Department and the Commission on 95% of the allegations.

Substantive difference is defined as when either the Police Department or the Commission reaches a finding of "Sustained" and the other has some other finding. For example, if the Police Department recommended an allegation be "Sustained" and the Commission recommended that the allegation be "Exonerated," this would be a substantive difference.

If the Department had a recommendation of "Exonerated" and the Commission had a recommendation of "Unfounded," this would not be a substantive difference.

If Agreement Is So High, Isn't That Proof That The Community Police Review Commission Is A Redundant And Unneeded Process?

No. As discussed previously, in addition to giving a recommended finding, the Commission also gives a rationale for that finding. It is through this rationale that city and police officials not only get the civilian viewpoint with regard to how the commissioners arrived at their decision, but also the quality of the investigation, the quality of the intake information, and their opinion of the officer's actions.

For example, the commissioners might find that, although an officer's actions did not violate any policies, they were not up to community expectations.

Also, any discussion of the Commission that is limited to the discussion of allegations ignores the policy recommendation power of the Commission and the Police / Community relations aspect of the Commission.

The following tables show the allegations and findings for 2003. They do not include the results of Officer-Involved Death investigations. Figure 7 shows the total number of findings for each type of allegation. Figure 8 shows the number of allegations per month.

Findings per Allegation
Figure 7

	Unfounded	Exonerated	Not Sustained	Sustained	Inquiry	TOTALS
U / F	5	3	4	1	0	13
Disc / SH	6	3	1	0	0	10
IDF	0	0	0	0	0	0
ISS	0	6	0	0	0	6
FA	1	1	0	0	0	2
FR	1	0	1	0	0	2
CC	2	0	0	0	0	2
MC	42	43	44	21	2	152
	57	56	50	22	2	187

Allegations per Month
Figure 8

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
U/F	2	2	1	2	2	0	1	1	1	1	0	0	13
Disc/SH	0	0	0	1	3	1	1	1	3	0	0	0	10
IDF	0	0	0	0	0	0	0	0	0	0	0	0	0
ISS	0	0	1	0	1	0	0	0	0	0	4	0	6
FA	0	0	0	0	1	0	0	0	1	0	0	0	2
FR	0	0	0	1	0	0	0	0	0	1	0	0	2
CC	0	0	0	0	0	1	0	0	0	0	0	1	2
MC	29	19	25	6	10	1	12	13	13	9	5	10	152
	31	21	27	10	17	3	14	15	18	11	9	11	187

Allegations Comparison: 2001 - 2003

Figure 9

	U/F	Disc/SH	IDF	ISS	FA	FR	CC	MC
2001	19	8	0	8	6	2	5	169
2002	11	9	0	3	3	1	1	248
2003	13	10	0	6	2	2	2	152

Findings Comparison: 2001 – 2003

Figure 10

	Unfounded	Exonerated	Not Sustained	Sustained	Misconduct Noted	Inquiry
2001	111	49	36	20	1	0
2002	116	82	53	26	0	2
2003	57	56	50	22	0	2

U/F = Use of Force
Disc/SH = Discrimination/Sexual Harassment,
IDF = Improper Discharge of Firearms
ISS = Illegal Search or Seizure
FA = False Arrest
FR = False Reporting
CC = Criminal Conduct
MC = Misconduct

The findings are listed in RPD Policy & Procedure 4.12, Personnel Complaint Policy, Section B4.

Unfounded = The alleged act did not occur.

Exonerated = The alleged act occurred but was justified, legal, and proper.

Not Sustained = The investigation produced insufficient information to prove or disprove the allegation.

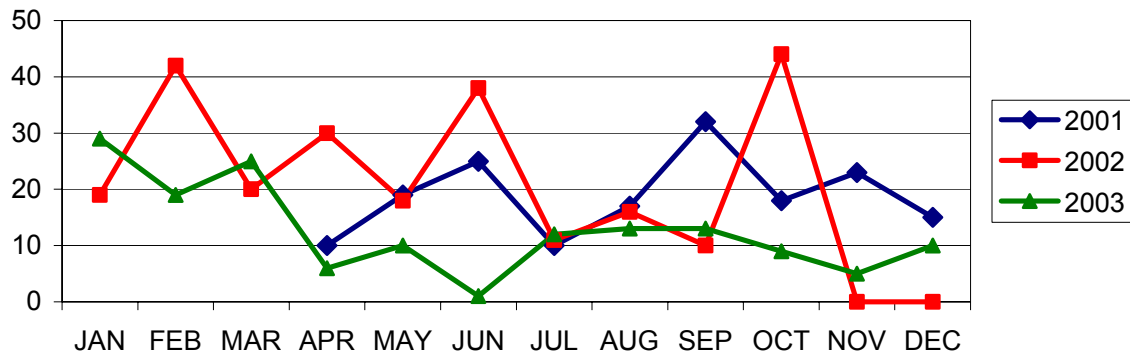
Sustained = The Department member committed all or part of the alleged acts of misconduct or poor service.

Misconduct Noted = The Department member violated a section of the Department Policies, Rules or Regulations not originally noted in the complaint.

Inquiry = During the process of the investigation, it was determined that the member of the public was only requesting clarification of a policy or procedure.

The following chart compares misconduct allegations only over the past three years. Other categories of allegations were not graphed because their low numbers and frequency are not conducive to proper analysis.

Misconduct Allegations: 2001 - 2003
Figure 11



REVIEW OF OFFICER-INVOLVED DEATHS

Chapter 2.76, Section 2.76.050 Powers, Duties and Functions states: Powers, duties and functions of the Community Police Review Commission are as follows:

D. To review and investigate the death of any individual arising out of or in connection with actions of a sworn police officer, regardless of whether a complaint regarding such death has been filed.

Pursuant to this subsection, the Commission investigated and reviewed four officer-involved deaths in 2003.

THE COMMISSION'S BUDGET

Is The Community Police Review Commission Worth The Money The City Spends On It Annually?

The Community Police Review Commission cost the City of Riverside \$238,595 in FY 2001-2002 and \$257,788 for FY 2002-2003. That is less than one dollar per citizen per year.

Put another way, the Commission's budget for FY 2002-2003 was about one half of one percent of the Police Department's budget for that same year.

Citizens usually do not have access to police administrative matters due to confidentiality laws. The Commission makes the Police Department a little more transparent and hopefully more responsive to the needs of the public. If the Police Department and the city truly embrace the concept of Community-Oriented Policing, then this citizen perspective is essential.

Finally, though some have described the Commission as a redundant function, without the Commission there is no independent review of investigations into citizen complaints, which is one more barrier to good Police / Community relations.

ACTUAL BUDGET FOR FY 2003 / 2004

Figure 12

Description	2003 / 2004
Personnel	\$ 171,917
Non-Personnel	79,396
Capital Purchases	0
<u>Charges from Others</u>	<u>45,145</u>
TOTAL	\$ 296,458

The 2003 / 2004 budget increased 3% over the 2002 / 2003 budget.

PROPOSED BUDGET FOR FY 2004 / 2005

Figure 13

Description	2004 / 2005
Personnel	\$ 176,891
Non-Personnel	80,801
Equipment Outlay	0
<u>Charges from Others</u>	<u>45,145</u>
TOTAL	\$ 302,837

TRENDS AND PATTERNS

The Riverside Police Department has literally hundreds of citizen contacts each day. Some are brief. Some are long. Some, such as rendering assistance, are positive for the citizen and some, such as citations and arrests, are less positive. The low number of complaints per contact speaks well of the professionalism and character of the Department and its employees.

In the course of its case review duties, the Commission has detected certain trends or patterns of officer behavior. Some of the patterns are positive and should be encouraged while others should be the focus of further effort on the part of the Department. The Commission believes that if the Department, as a whole, can work on the less positive areas, community relations will be further enhanced.

- It appears that misconduct complaints have significantly decreased while at the same time arrests and citizen contacts have increased. While not statistically definable, it appears that officers seem to be more cognizant of how the public perceives them and how their actions, words, and demeanor can affect that perception.
- The Commission has seen some officers use their digital recorders at times other than when required by policy. The Commission believes that the use of recorders is the officers' greatest defense against false allegations and they encourage the officers to use the recorders at all times.
- Since its inception, the Commission has noticed a marked improvement in the quality of the investigative reports written by field sergeants. However, the Commission believes this is an area that needs improvement.
 - All too often, the investigations read like a defense brief as opposed to an objective investigation. The Commission has found that the investigator provides his or her opinion as opposed to simply gathering evidence and interviewing witnesses. This needs to stop.
 - Another weakness is the failure to confirm information received during the interviews with follow-up questions to gather pertinent facts.
 - RPD supervisors continue to investigate cases in which they are personally involved or where they are witnesses of the incident.
- Policy says that, except in exigent circumstances, a search should be conducted by an officer of the same sex as the subject if such an officer is reasonably available. The Commission has observed a number of incidents where officers failed to document whether or not a same sex officer was available.

- In 2003, 71% of the cases seen by the Commission, excluding officer-involved death investigations, required in excess of 70 days to go through the RPD system. This is up from 64% and 62% the previous two years. (See Page 17.)

The Commission realizes that in any given year a certain percentage of cases will exceed 70 days to complete; that is the nature of the work. While the Commission does not know what RPD management would consider acceptable, it does believe that 71% is excessive and encourages the Department to lower that number in 2004.

- The Department's Internal Affairs Unit conducts administrative investigative review with regard to officer-involved death investigations, whereas departmental policies and procedures call for an independent administrative investigation.
- The failure of officers to take reports is the base cause in an increasing number of complaints. The Commission believes that officers should take reports when required by policy, when a party requests that a report be taken, and when facts and circumstances are such that documentation would be prudent, though not strictly required by policy.

POLICY RECOMMENDATIONS

The following recommendations were made to the Police Department in 2003. The reason for the recommendations and action taken are also noted.

1. **Background:** As a result of an investigation into a citizen's complaint, the Commission found that officers are required to record only those contacts with citizens that are officer-initiated. In the case in point, the officer turned on his digital recorder after the conversation was under way and after the part of the conversation had occurred that the complainant said was offensive. The officer's actions were deemed to be within current policy by the shift lieutenant.

Recommendation(s):

The Community Police Review Commission recommends that Policy 4.60 be modified so that all citizen contacts by officers are recorded.

Police Department Response:

The Commission is waiting for a response from RPD as to whether or not this recommendation will be adopted.

2. **Background:** As a result of an investigation into the officer-involved death of a citizen, the Community Police Review Commission found that the Riverside Police Department has a specific policy governing shooting from a moving vehicle at Section 4.7.F.3.b.2. However, the Commission was unable to find a policy covering shooting at a moving vehicle.

In the case investigated by the Commission, officers fired a total of eleven rounds at a suspect in a residential neighborhood. One fatally struck the suspect, who was driving a truck. Eight rounds struck the truck, one round struck a mailbox and another struck the window frame of a house down range. No one but the suspect was injured and property damage was minimal. This may not always be the case.

Recommendation(s):

1. The Community Police Review Commission recommends that Policy 4.7 be modified to include language governing shooting at a moving vehicle.
2. The Community Police Review Commission also recommends that training be established or modified to teach officers to consider the surrounding environment before firing their weapons. In this case, the surrounding environment would have been the distance between the driver and officer, the lighting conditions, movement of the vehicle, and persons and objects down range.

Police Department Response:

The policy is under revision and will be distributed after final review by the City Attorney.

- 3. Background:** During an investigation into the officer-involved death of a civilian, the Community Police Review Commission noticed what appears to be a practice on the part of the Internal Affairs Unit that is different than required by Riverside Police Department Policy Section 4.8, Subsection C.2.f, 1 & 3, as the Commission reads that policy:

4.8.C.2.f. Internal Affairs shall:

1. The Internal Affairs Lieutenant shall be responsible for conducting an independent investigation.
2. Inform the Chief of Police or his/her designee with regard to the information obtained in the course of their investigation.
3. All Internal Affairs Investigations shall be separate from the investigation conducted by the Officer-Involved Shooting Team. Information obtained from the Officer-Involved Shooting Team will be used to aid the Internal Affairs Investigation. No information obtained from a compelled interview will be disclosed to the Officer-Involved Shooting Team.
4. Interviews with witnesses, suspect(s) or involved employee(s) will not be conducted until after they have been interviewed by the Officer-Involved Shooting Team.

The Commission believes that the Internal Affairs Unit is producing a “review” of all the actions of all the officers on the scene as opposed to an “independent investigation” as required by policy.

This belief is based on the fact that the Internal Affairs Unit calls its work product an “Administrative Review” and that this work product contains no document that was produced solely in Internal Affairs with the exception of a section also called “Administrative Review.” In the instant case, there were no independent witness or officer interviews or other work typically associated with an investigation as opposed to a review.

Also, the work product fits the dictionary definition of a “Review” in every way.

Another aspect of the document is that, contrary to Subsection 3 that states “Information obtained from the Officer-Involved Shooting Team (OIST) will be used to aid the Internal Affairs Investigation,” the Administrative Review relies exclusively on information found in the Officer-Involved Shooting Team report for its documentation.

Finally, the Commission believes that when the Department does not conduct a true “Independent Investigation,” it loses the benefit of a system of checks and balances that is built into the current policy framework.

Recommendation(s):

The Community Police Review Commission offers two recommendations to resolve the conflict. However, it believes strongly that Recommendation A should be the option adopted by the Department:

- A. It can require the Internal Affairs Unit to conform to current policy as written in RPD Policy and Procedures Section 4.8, Subsection C.2.f and produce true Independent Investigations,

Or

- B. It can re-write RPD Policy and Procedures Section 4.8, Subsection C.2.f so that it conforms to the current practice of reviewing actions taken by the OIST and others involved with the case.

Police Department Response:

Policy and Procedure Section 4.8 is the subject of civil litigation filed by the Riverside Police Officers’ Association. On the advice of the City Attorney, the Riverside Police Department will not consider modifying this policy until the matter is resolved in the courts.

Appendix

City of Riverside Ordinance No. 6516	Section A
CPRC By-Laws and Policies & Procedures	Section B
RPD Policy & Procedure 4.12	Section C
RPD Conduct & Performance Manual Section 10 – Administrative Investigation	Section D
Newspaper Articles	Section E